

MAR 13 2015

S.R. NO. 94

---

## SENATE RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO CONVENE A TASK FORCE TO  
REVIEW ITS CURRENT POLICY ON AFFIRMATIVE CONSENT.

1 WHEREAS, Title IX of the Education Amendments of 1972  
2 ("Title IX") prohibits discrimination on the basis of sex in  
3 education programs and activities that receive any federal  
4 funds; and

5  
6 WHEREAS, Title IX protects all individuals, regardless of  
7 their gender or gender identity, from sexual harassment and  
8 violence, which are forms of discrimination; and

9  
10 WHEREAS, Title IX has been renamed the Patsy Takemoto Mink  
11 Equal Opportunity in Education Act in recognition of the late  
12 United States Representative Patsy Mink's tireless efforts to  
13 develop and pass Title IX; and

14  
15 WHEREAS, the Violence Against Women Act ("VAWA") is aimed  
16 at ending violence against women and girls and remedying laws  
17 and social practices that, in the past, have fostered and  
18 justified violence against women and girls; and

19  
20 WHEREAS, the provisions of VAWA have been carefully crafted  
21 with the input and assistance of more than 2,000 advocates and  
22 experts from around the nation; and

23  
24 WHEREAS, VAWA ensures that survivors of sexual assault have  
25 access to necessary services; improves institutional responses  
26 to violence; provides access to services for gay, lesbian,  
27 bisexual, and transgender survivors who frequently are excluded  
28 from services; and ensures that survivors of sexual assault in  
29 Native American communities and in the United States Territories  
30 have access to justice; and

31  
32 WHEREAS, there has been increasing media attention  
33 surrounding allegations of sexual misconduct on college campuses  
34 focusing on universities' perceived "deliberate indifference"



1 and lack of institutional response to a growing number of  
2 incidents and allegations of sexual violence and sexual  
3 harassment; and  
4

5 WHEREAS, many universities across the nation have  
6 implemented organizational and policy changes to better address  
7 concerns from a variety of sources that include students,  
8 parents, and educators; and  
9

10 WHEREAS, the University of Hawaii is committed to  
11 maintaining and promoting safe, respectful campus environments  
12 that are free from discrimination, harassment, and sexual  
13 violence; and  
14

15 WHEREAS, the University of Hawaii prohibits and does not  
16 tolerate sexual harassment, sexual assault, domestic violence,  
17 dating violence, and stalking; and  
18

19 WHEREAS, the University of Hawaii Board of Regents  
20 currently has an executive policy in place concerning incidents  
21 of sexual assault, domestic violence, dating violence, and  
22 stalking that are subject to the data collection requirements of  
23 the federal Higher Education Act of 1965, 20 United States Code  
24 section 1092(f), and involve a student, faculty member, or staff  
25 member, whether on or off campus; and  
26

27 WHEREAS, the University of Hawaii Board of Regents  
28 understands and appreciates the need to review all policies,  
29 including the executive policy on sexual assault and sexual  
30 harassment; now, therefore,  
31

32 BE IT RESOLVED by the Senate of the Twenty-eighth  
33 Legislature of the State of Hawaii, Regular Session of 2015,  
34 that various stakeholders are requested to convene an  
35 Affirmative Consent Task Force (Task Force) to review and make  
36 recommendations on the University of Hawaii's Executive Policy  
37 on Domestic Violence, Dating Violence, Sexual Assault, and  
38 Stalking; and



1 BE IT FURTHER RESOLVED that the Task Force shall comprise:

- 2
- 3 (1) The President of the University of Hawaii, or the
- 4 President's designee;
- 5
- 6 (2) The Vice President for Community Colleges, or the Vice
- 7 President's designee;
- 8
- 9 (3) The Chancellor of the University of Hawaii at Manoa,
- 10 or the Chancellor's designee;
- 11
- 12 (4) The Chancellor of the University of Hawaii at Hilo, or
- 13 the Chancellor's designee;
- 14
- 15 (5) The Chancellor of the University of Hawaii at West
- 16 Oahu, or the Chancellor's designee;
- 17
- 18 (6) The Executive Director of the Hawaii State Commission
- 19 on the Status of Women, or the Executive Director's
- 20 designee;
- 21
- 22 (7) The Chair of the University of Hawaii Commission on
- 23 the Status of Women, or the Chair's designee;
- 24
- 25 (8) The Executive Director of the Sex Abuse Treatment
- 26 Center;
- 27
- 28 (9) A member of the American Civil Liberties Union; and
- 29
- 30 (10) A member of the Women's Legislative Caucus of the
- 31 Legislature; and
- 32

33 BE IT FURTHER RESOLVED that the Task Force is requested to

34 consider the following concepts when reviewing and revising the

35 current policy:

36

- 37 (1) Affirming the University of Hawaii's commitment to
- 38 increasing resources and strengthening the
- 39 institutional infrastructure of all of its campuses to
- 40 more effectively address the issue of affirmative
- 41 consent;



1 (2) Considering best practices and current professional  
2 standards in reviewing and revising the current  
3 policy; and  
4

5 (3) Using contemporary corrective actions consistent with  
6 academic environments, standard business practices,  
7 and the laws of the State; and  
8

9 BE IT FURTHER RESOLVED that the Task Force shall take into  
10 consideration that the policy shall provide guidance for the  
11 following at each campus within the University of Hawaii system:  
12

13 (1) Comprehensive education and prevention programs that  
14 inform the University of Hawaii community about the  
15 policies, resources, complaint options, remedies, and  
16 the risks and myths that contribute to sexual  
17 harassment, sexual assault, domestic violence, dating  
18 violence, and stalking;  
19

20 (2) Information and assistance for individuals who report  
21 alleged sexual harassment and sexual violence,  
22 including informing individuals about their right to  
23 file criminal charges as well as the availability of  
24 on- and off-campus resources (e.g., medical,  
25 counseling, advocacy, legal, and other support  
26 services, including confidential options) and  
27 alternative remedies, such as housing, academic, or  
28 workplace accommodations, if appropriate and  
29 reasonably available, regardless of whether the  
30 individual chooses to file a complaint with or report  
31 a crime to campus security or a local law enforcement  
32 agency;  
33

34 (3) Prompt and equitable complaint procedures for students  
35 and employees that are accessible and widely  
36 publicized on a regular basis;  
37

38 (4) Information for both respondents and complainants that  
39 they have the same rights during a student  
40 disciplinary hearing or investigation, including the  
41 right to a fair and impartial process; to be  
42 accompanied by an advisor; to give their side of the



(5) Provisions for corrective actions that the campuses will implement or instill, including remedies and disciplinary sanctions, to end incidents of harassment or sexual violence and to prevent their recurrence; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Board of Regents of the University of Hawaii, President of the University of Hawaii, and each Chancellor on the Council of Chancellors of the University of Hawaii system.

Rosely H Baker

Anna Mercedes K.

Jim

Erzanne Chun Oakland

Nichelle Kidane

Mark

22029

Maxine Mowse

James Thiel